

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Case No. 3:15-cr-00086-LRH-VPC

Plaintiff,

ORDER

v.

JESUS RODRIGUEZ,

Defendant.

Before the Court is Defendant Jesus Rodriguez' ("Rodriguez") motion for early termination of supervised release (ECF No. 27). Probation filed a response of non-opposition to the motion (ECF No. 29), and Rodriguez' probation officer was supportive of termination (ECF No. 28). For the reasons articulated below, the Court grants the motion.

**I. BACKGROUND**

In April of 2016, Rodriguez pleaded guilty to being a Felon in Possession of a Firearm. ECF No. 20. This Court sentenced Rodriguez to 51 months imprisonment followed by three years of supervision. ECF No. 22. In June of 2019, Rodriguez began supervised release. Now, after maintaining the terms of his supervision, Rodriguez seeks termination of his supervised release.

**II. LEGAL STANDARD**

Pursuant to 18 U.S.C. § 3583(e), after considering a subset of the § 3553(a) factors,<sup>1</sup> the court may "terminate a term of supervised release and discharge the defendant released at any time

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<sup>1</sup> Title 18 U.S.C. § 3553(a) provides, in relevant part:

The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court . . . shall consider—

1 after the expiration of one year of supervised release, pursuant to the provisions of the Federal  
 2 Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such  
 3 action is warranted by the conduct of the defendant released and the interest of justice.” Under  
 4 *The Guide to Judiciary Policy*, after 18 months, there is a presumption in favor of recommending  
 5 early termination for persons who meet the following criteria:

- 6 (1) The person does not meet the criteria of a career drug offender or career criminal (or  
 7 has not committed a sex or terrorist offense);
- 8 (2) The person presents no identified risk of harm to the public or victims;
- 9 (3) The person is free from any court-reported violations over a 12-month period;
- 10 (4) The person demonstrates the ability to lawfully self-manage beyond the period of  
 11 supervision;
- 12 (5) The person is in compliance with all conditions of supervision; and
- 13 (6) The person engages in appropriate prosocial activities and receives sufficient prosocial  
 14 support to remain lawful well beyond the period of supervision.

### 15 **III. DISCUSSION**

16 The Court has considered all the grounds in support of Rodriguez’ early termination of  
 17 supervised release and is satisfied that Rodriguez qualifies for and is deserving of an early  
 18 termination of supervised release. Rodriguez has not failed any drug tests, has completed substance  
 19 abuse treatment, and has fulfilled over 100 hours of community service. The Court also recognizes  
 20 that Rodriguez has met all requirements of Probation and has maintained gainful employment  
 21 throughout the pandemic. Neither the government nor Probation oppose early termination.

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- 23 (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
  - 24 (2) the need for the sentence imposed—
  - 25 ...
  - 26 (B) to afford adequate deterrence to criminal conduct;
  - 27 (C) to protect the public from further crimes of the defendant; and
  - 28 (D) to provide the defendant needed educational or vocational training, medical care, or other  
 correctional treatment in the most effective manner;
  - ...
    - (4) the kinds of sentence and the sentencing range established . . .
    - (5) any pertinent policy statement . . .
    - (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have  
 been found guilty of similar conduct; and
    - (7) the need to provide restitution to any victims of the offense.

1 For these aforementioned reasons, and for good cause being found, the Court will grant  
2 Rodriguez' motion.

3 **IV. CONCLUSION**

4 IT IS THEREFORE ORDERED that Rodriguez' motion for early termination of  
5 supervised release (ECF No. 27) is **GRANTED**.

6 IT IS FURTHER ORDERED that Rodriguez' term of supervised release is terminated  
7 immediately. The Court extends its congratulations to Rodriguez.

8 IT IS SO ORDERED.

9 DATED this 21<sup>st</sup> day of December, 2021.

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12 LARRY R. HICKS  
13 UNITED STATES DISTRICT JUDGE  
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